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and Certain of its Affiliates*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re	:	Chapter 11 Case No.
	:	
LEHMAN BROTHERS HOLDINGS INC., et al.,	:	Case No. 08-13555 (SCC)
	:	
Debtors.	:	(Jointly Administered)
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	:	
LEHMAN BROTHERS HOLDINGS INC. and	:	
LEHMAN BROTHERS SPECIAL FINANCING INC.	:	Adversary Proceeding
	:	
Plaintiffs-Counterclaim Defendants	:	No. 13-01554 (SCC)
	:	
v.	:	
	:	
GIANTS STADIUM LLC,	:	
	:	
Defendant-Counterclaim Plaintiff.	:	
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**DECLARATION OF RICHARD W. SLACK IN SUPPORT OF LEHMAN BROTHERS
HOLDINGS INC. AND LEHMAN BROTHERS SPECIAL FINANCING INC.’S
RESPONSE TO GIANTS STADIUM LLC’S MOTION TO CONSOLIDATE
CONTESTED MATTER WITH ADVERSARY PROCEEDING**

RICHARD W. SLACK hereby declares:

1. I am a member of the Bar of this Court and a partner of Weil, Gotshal & Manges LLP, attorneys for Lehman Brothers Special Financing Inc. (“LBSF”) and Lehman Brothers Holdings, Inc. (“LBHI,” and, together with LBSF, “Lehman”). I submit this declaration in support of Lehman’s response to the Motion to Consolidate Contested Matter with Adversary

Proceeding and for Related Relief (the “Motion”) filed by Giants Stadium LLC (“Giants Stadium”) on October 24, 2014 [ECF No. 46641; Case No. 08-13555].

2. On August 28, 2014, counsel for Lehman, including myself, participated in a telephonic meet-and-confer call with Matthew Schwartz and Bruce Clark of Sullivan & Cromwell LLP, counsel to Giants Stadium. During this call, we discussed the possibility of consolidating the above-captioned actions for trial. We expressed the view that consolidation for trial purposes was premature. No agreement was reached.

3. A true and complete copy of correspondence from counsel for Lehman to counsel for Giants Stadium, dated August 29, 2014, is annexed hereto as Exhibit A.

Executed on this 19th day of November, 2014, in New York, New York.

I declared under penalty of perjury that the foregoing is true and correct.

/s/ Richard W. Slack

Richard W. Slack, Esq.

EXHIBIT A

Weil, Gotshal & Manges LLP

BY E-MAIL

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August 29, 2014

Bruce E. Clark
Sullivan & Cromwell LLP
125 Broad Street
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Re: In re Lehman Brothers Holdings Inc., et al. Case No. 08-13555 (SCC)

Dear Bruce:

I am writing with respect to two motions filed by Giants Stadium, LLC (“Giants Stadium”) in the above-captioned action that have been repeatedly adjourned and are now rendered moot by intervening events. As we discussed yesterday in our telephone call, we request that Giants Stadium withdraw the motions so as to unclutter the docket.

First, on April 25, 2013, Giants Stadium moved for leave to conduct Rule 2004 discovery of Lehman Brothers, Inc. (“LBI”). *See* Dkt. No. 36874. After filing the motion, it is our understanding Giants Stadium engaged in discussions with counsel for LBI regarding the voluntary production of documents. Indeed, Giants Stadium received a consensual production from LBI in December 2013.

Second, on August 28, 2013, Giants Stadium moved for authorization to issue third-party deposition subpoenas of several former Lehman employees under Federal Rules of Bankruptcy Procedure 2004 and 9016. *See* Dkt. No. 39898. On September 26, 2013, Lehman opposed the motion, disclosing its intent to file an adversary complaint against Giants Stadium, and maintaining that “to promote orderly administration of the litigation and non-duplicative, streamlined discovery, the parties should complete any outstanding discovery and commence depositions in the adversary proceeding.” *See* Dkt. No. 40232 at 14.

As you know, on October 23, 2013, Lehman filed the adversary complaint against Giants Stadium. On July 21, 2014, Judge Chapman so-ordered the parties’ stipulation and scheduling order (the “Discovery Order”), which governs fact discovery and states that fact depositions may commence on December 8, 2014. *See* Case No. 13-01554, Dkt. No. 33. Under the Discovery Order, the parties agreed that LBI’s “voluntary production shall be available to be used in connection with the adversary proceeding and the resolution of the Proofs of Claim.” *Id.* at ¶ 3. The Parties also agreed that Giants Stadium may serve subpoenas on third parties under Federal Rule of Civil Procedure 45 without seeking leave of the Court

Bruce E. Clark
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under the schedule approved by the Court. Thus, the motions seeking permission to serve 2004 discovery on LBI and other third parties are now mooted by the Court's scheduling order.

We are not aware of any basis for the continued pendency (and repeated adjournment) of these motions. For the sake of uncluttering the docket, we request that you withdraw these motions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric C. Hawkins".

Eric C. Hawkins